



Consovoy McCarthy Park PLLC

Ten Post Office Square  
8th Floor South PMB #706  
Boston, MA 02109  
617.227.0548  
[www.consovoymccarthy.com](http://www.consovoymccarthy.com)

January 5, 2017

*VIA CM/ECF*

Hon. Allison D. Burroughs  
U.S. District Court, District of Massachusetts  
John Joseph Moakley U.S. Courthouse  
1 Courthouse Way, Suite 2300  
Boston, MA 02210

Re: *Students for Fair Admissions, Inc. v. President & Fellows of Harvard College*,  
No. 1:14-cv-14176-ADB

Dear Judge Burroughs,

On behalf of Plaintiff Students for Fair Admissions, Inc. (“SFFA”), we write to respectfully request the Court’s prompt attention to the two recent discovery motions filed by SFFA in this matter (filed under seal in their entirety per court order - Doc. Nos. 223 and 239). Briefing on these disputes is now complete. Because the time for fact discovery under the operative scheduling order is now more than half gone, and because the documents SFFA seeks may require some time to produce and review in advance of depositions, it is urgent that these particular motions be resolved expeditiously.

To the extent the Court would like to hear from the parties on these motions, SFFA is available to appear telephonically at the earliest convenient time for the Court and the parties. This approach is consistent with the Court’s indication at the initial conference that discovery issues could be disposed of quickly in order to keep the case moving.

SFFA continues to have broader concerns about the ongoing pace of discovery in this case. Harvard has not yet completed its email production for any of the priority custodians SFFA has identified in this matter, and it has not provided any estimate of when its document production will be complete. Although Harvard has made a few partial productions of data and email during the months of November and December, without an end date from Harvard there simply is no assurance that Harvard will complete its document production with adequate time for SFFA to review everything produced and prepare for the depositions in this case. Any additional delay in resolving discovery disputes—particularly with respect to issues

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as critical as those set forth in SFFA's motions—will only further imperil the existing schedule.

SFFA is mindful that the Court has many matters on its docket and demands on its time. SFFA hopes that resolving these motions in an expeditious matter will keep the discovery process moving and help maintain the current schedule.

Respectfully submitted,

Patrick Strawbridge

cc: William S. Consovoy, Esq.  
Paul Sanford, Esq.  
Paul Wolfson, Esq.  
Felicia Ellsworth, Esq.